

EXHIBIT C

From: Rowe, Michael (ENRD) <Michael.Rowe@usdoj.gov>
Sent: Monday, March 19, 2018 4:01 PM
To: McGovern, Michael <michael.mcgovern@bakerbotts.com>
Cc: Heminger, Justin (ENRD) <Justin.Heminger@usdoj.gov>; Zilioli, Erica (ENRD) <Erica.Zilioli@usdoj.gov>; Talbert, Stephanie (ENRD) <Stephanie.Talbert@usdoj.gov>; Lynk, Brian (ENRD) <Brian.Lynk@usdoj.gov>; Steinway, Daniel <daniel.steinway@bakerbotts.com>; Buthod, Ty <Ty.Buthod@BakerBotts.com>; Thomsen, Martha <martha.thomsen@bakerbotts.com>
Subject: RE: Exxon Mobil Corp. v. United States (S.D.Tex. Civ. A. Nos. H-10-2386 & H-11-1814) - R. White 2018 Supplemental Report

Michael:

This is certainly unexpected, and unexplained. It is also the first hint that the Government has had that you intended to serve another report from Mr. White. Given that the deadline for expert reports in the Court's pretrial schedule was in January, 2017, now more than a year ago, and that the parties have completed Phase II discovery, taken depositions, and written opening summary judgment briefs, suggesting that this is untimely seems almost inadequate under the circumstances.

Further, the new report clearly involves complex calculations and considerable new material – hardly the sort of thing that the Government and associated experts could be expected to deal with days before opposition briefs are due. It also appears at first glance to be based on a change of mind relative to Mr. White's affirmative choice not to opine on contract-related issues in Phase 2, presumably at your instruction. New reports in the midst of the briefing schedule are not permitted under the schedule, and are highly disruptive of briefing obligations on both sides.

Unless we misunderstand your intention, we will move to exclude all consideration of this material and any briefing that refers to it from the Phase 2 Summary Judgment proceedings. Given what I tend to assume is your intention to use and refer to the document, we should probably discuss a path forward promptly.

Best,
Mike

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Mike,

Please find attached the 2018 Supplemental Report of Richard Lane White. Mike

Michael McGovern
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